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REPORT

OF THE COMMITTEE APPOINTED TO
CONSIDER POSSIBLE CHANGES IN THE
CHARTER OF BROWN UNIVERSITY

PRESENTED TO THE CORPORATION
AT ITS ANNUAL MEETING
JUNE 17, 1909



PROVIDENCE, RHODE ISLAND
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To the Trustees and Fellows of Brown University :

Your committee appointed to consider the subject of changes in the university charter, and to report to the corporation their conclusions and advice, beg leave to make this preliminary report. Your committee organized immediately after its appointment and proceeded at once to consider the questions submitted. The committee understand that the changes in the charter suggested and prominently before the alumni in recent years are changes in those provisions of the charter which impose denominational requirements in the election of trustees, fellows, president, professors and tutors, and restrictions in public instruction in matters of sectarian opinion. They have therefore limited their consideration of the subject to changes of this nature. In this connection they have studied the origin, history and purposes of the charter. They have endeavored to determine the effect of the proposed change on the welfare of the university. They have considered the source of its benefactions, the sectarian affiliations of its students and the extent of denominational influences in directing youth to the university. They have corresponded with other universities and colleges for the purpose of learning their experience in charter amendment. The archives and records during the entire history of the university, all subscription lists, correspondence relating to donations and instruments of conveyances have been examined for the purpose of ascertaining what conditions, if any, have been attached to gifts, and what property rights, if any, may be forfeited by the proposed amendment. They have also examined the legal questions involved and carefully considered the moral and legal obligations assumed in the acceptance of gifts.

As a result of these investigations and after patient consideration of the questions involved, your committee believe that the purposes of the founders in the light of present conditions would be best fulfilled by the removal of specific denominational requirements from the charter, and that harmonious action to this end, with due consideration of

all interests affected, would greatly promote the welfare of the university.

Your committee came to this inquiry with open minds and without conscious bias or prejudice. They have arrived at this result only after long and thorough investigation and discussion. It is proper that they state the reasons which have influenced them to favor a change in this ancient and time-honored instrument.

The change is desirable:

1. Not because the university is now sectarian in administration or atmosphere. On the contrary, Brown University is as free to-day from sectarianism as any college in America. No trace of sectarian influence is ever seen in the assembly of the trustees and fellows, in the meetings of the faculty, or in the instruction of the class room.

2. Not because of a purpose to make the university less distinctly religious or less positively Christian. On the contrary, we earnestly desire Christian ideals to penetrate more and more deeply the entire life and work of the institution.

3. Not only or chiefly because we desire to secure the benefits of the Carnegie Foundation for our faculty. Earnest discussion as to the advisability of changing the charter has been carried on since the days of Francis Wayland, and the idea is in no sense novel. We frankly acknowledge that the Carnegie Foundation has brought the issue of charter revision again to the front, and that we do desire, not for the corporation, but for our faculty, the benefits of that foundation. Nevertheless, the reasons for change existed fifty years ago and would remain if the Carnegie Foundation should vanish.

But it is desirable because :

1. A change in the letter of the charter is necessary if we would preserve its spirit and intention. A document which was extraordinarily liberal for 1764 is no longer so in 1909. It is no longer consistent with the spirit of the founders or with its own declared purpose. Intended to secure in the governing body a comprehensive

representation of the great branches of the Christian church, it excludes all churches save those four which were prominent in New England in 1764. Intended to produce and nourish a "liberal and catholic institution," it now, if interpreted literally, surrounds the corporation and faculty with restrictions which are antiquated and out of harmony with the spirit of the present age and the desire of the founders. No man supposes that if the founders were now establishing a college they would advocate all the restrictive clauses now found in the charter. In the endeavor to preserve in the administration of the university the liberal spirit of the founders, we have strained the letter of the charter as far as conscience will permit, and can go no further. Yet the difficulty of literal adherence to the venerable document increases with every decade as religious conditions change. No other college charter in America apportions so explicitly a fixed number of trustees among a limited number of churches, and thereby implicitly excludes all other churches. In 1764 it was easy to ascertain and pronounce on the ecclesiastical principles and relations of every man in the community. In the present age it is often impossible to do this without inquisition and cross-examination. Frequently men whose denominational eligibility is questioned are nominated for trustees. That eligibility cannot be determined without an investigation from which all of us shrink, and the results of which might lead different men to different conclusions. The question as to what constitutes membership in a given denomination has never been answered, and that question will inevitably grow more difficult as the years advance. Denominational barriers are falling, and denominational lines are not as sharp and clear as in the eighteenth century. If it be said that actual church membership should be required of every candidate for the board of trustees, we must remember that Nicholas Brown, for whom our university was named, was not a church member; John Carter Brown, one of our most distinguished trustees, never joined any church, and a number of our most useful and honored

trustees have not been members of any church. Indeed, it may be questioned whether the Friends wish to be regarded as a church or denomination at all, or to formulate sharply-defined conditions of membership. But even under the most liberal construction of our charter, the provisions which exclude from our governing board the great majority of Christian men in America seem strangely at variance with the original design of the founders and the "liberal and catholic" spirit which they possessed. Indeed, they are explicitly at variance with the remonstrance of the trustees and fellows addressed to the General Assembly of the Colony of Rhode Island in May, 1770, wherein they declare that "In forming this charter care was taken that notwithstanding the burden of expense was to fall chiefly on the Baptists, yet no other Christian society should be excluded from the benefits of it, and accordingly a sufficient number from each of the principal of them were taken in to be trustees and fellows," etc. Again, our college addressed a letter to Benjamin Franklin to accompany a request to the King of France that he subscribe to the endowment of the institution. The last sentence of that letter reads as follows: "Its corporation, agreeably to charter, is and forever must be composed of some of all denominations of Christians." But the document, thus evidently intended to be most generous and catholic in its scope, has now become an instrument for excluding all denominations save those prominent in New England in 1764.

2. Even if denominational qualifications could be determined to the satisfaction of all, it is unfortunate that sectarian differences should be thus constantly forced to the front in university affairs. When any man is mentioned as a possible trustee, the first question necessarily is not regarding his fitness for trusteeship, not concerning his knowledge or mental ability or power to render the university service, not even concerning his character, but concerning his denominational relations. This is both unfortunate for the university and unjust to the individual.

3. The charter now by inference excludes all non-Protestants from the faculty. The faculty is open to "any and all denominations of Protestants." This phraseology may have been used with deliberate intention to exclude non-Protestants, or, as seems more likely, it may be that the founders failed to mention non-Protestants merely because there were so few of them in New England. In the latter case, the letter of the charter prohibits us from being true to its spirit.

Of course it may be said that so long as non-Protestant institutions of learning exclude Protestant teachers, they can make no objection if Protestant institutions exclude non-Protestants. But the non-Protestants have made no objection. It is we that naturally object to examination into a man's theological opinions before we appoint him a teacher, for example, of mathematics. If a man was born into a non-Protestant church, but has ceased to attend it, is he eligible to our faculty? Is he a Protestant? If a teacher has general sympathy with the Protestant position, but has never allied himself with any Protestant congregation, is he eligible to our faculty? Such questions are constantly before us to-day. How definite must be one's formulation of religious belief in order to make him a Protestant in the meaning of the charter? It would be unfortunate that these and similar questions should be forced to the front in selecting teachers. It has been claimed by some alumni that we have no right, under the charter, to appoint members of our teaching staff until we have examined them, to ascertain if they are genuine Protestants in the meaning which was attached to that word in 1764. As a matter of fact, no examination has ever been made into the ecclesiastical relation of any teacher. Whether we are thus violating the letter of our charter may be a matter of debate. In abstaining from such examination we are certainly true to its spirit.

4. The present charter excludes from the board of trustees a large and increasing section of the alumni. No matter how able and

influential an alumnus may be, no matter what devotion he may have shown or what sacrifice he may have made for the university, he is excluded forever from the governing body unless he belongs to one of the four denominations mentioned in the charter.

Here many questions of casuistry are constantly arising. Is a member of the Christian body called Disciples eligible? Is a Baptist eligible who has been for many years a member of a Congregational church? Would George L. Littlefield of Pawtucket, the largest single benefactor in the history of the university, have been eligible as a trustee? He was immersed as a boy on confession of faith, and attended all his life a Baptist church, but did not become a member of that local church. Is a Friend eligible whose affiliation with the Friends is merely a matter of ancestry and tradition, and who himself never attends a Quaker meeting? Is a Unitarian eligible as a Congregationalist? The claim has been made that any member of the Methodist Episcopal Church should be held eligible on the ground that he is an Episcopalian. Would the election of a Methodist, on such a basis, be a palpable evasion of legal requirement, or simply an attempt to interpret the spirit at the expense of the letter? These are not imaginary problems; they are actual situations presented to us in the last ten years, and sure to recur constantly in the future. They plunge us into a kind of casuistry which was never anticipated by the founders, and which is unwholesome for their descendants.

Even if these questions could be answered, the fact would remain that a large part of our graduates are prohibited from any share in the government of the university. While these men were undergraduates they were treated with equal justice, and all distinctions of creed were ignored. But the moment they become graduates, their creed becomes of greatest importance, and if they fail to belong to one of four denominations they are as stepsons to their Alma Mater. Thus the university is steadily creating a constituency which cannot sympathize with its position. It is training men in religious freedom

it is sending out men who are ardently attached to liberty, men coming from all denominations under heaven, men who cannot permanently acquiesce in the restriction of their Alma Mater to a policy in the formulation of which large sections of the alumni body can have no share.

5. Another reason for the change is that Brown University may be relieved from the misconstruction to which it is now unjustly subjected. Every graduate is aware that there is not the slightest attempt at denominational propaganda within the walls of the university. The atmosphere is as free as that of any university in the land. Yet it is impossible to persuade the public of this fact so long as we have charter requirements more specific in denominational restrictions than can be found in the charter of any other American college. In no other New England college, so far as we know, is the President required to belong to a specified denomination. In no other New England college are certain denominations excluded, by charter, from the government. In no other New England college is a certain religious faith requisite for a position on the teaching staff. In no other is the entire body of trustees parcelled out among a certain number of denominations. Our exclusion from the benefits of the Carnegie Foundation has called public attention to this fact in a most striking manner. Our university, therefore, does not clearly appear, as it should, in the class of institutions to which it properly belongs. As truly liberal and catholic as the leading colleges in the country, it is yet publicly refused a rating in their class, and is rated rather with institutions of inferior rank. While far more unsectarian than certain institutions accepted by the Carnegie Foundation, it is yet excluded because the denominational relation of those institutions is a matter of present election, while Brown's relation is not left to choice, but is enforced by charter.

We may frankly add that we desire for our professors the pensions which they would receive if serving in other institutions of the same rank. It has been said that the financial results of changing our charter should not be allowed to sway our judgment in the smallest

degree, and that if we change our charter for the sake of financial gain we are descending to a species of barter which is unworthy of our position and our history. We are not careful to answer in this matter. We do not profess that we have no desire to better the conditions of our teaching staff. It is useless for any institution to pretend that in changing its charter, as we propose, it has no reference whatever to the standards of the Carnegie Foundation. On the contrary, we freely acknowledge that the desire to secure retiring allowances for our teaching staff is one of the objects we desire—though by no means the chief object. If we were as a corporation seeking pensions for ourselves, our motive would indeed be selfish or sordid. We want these pensions for the self-sacrificing men who are toiling, in many cases, on a meagre salary, and for their wives and children. If we were parting with any principle, or ignoring any obligation in order to secure such pensions, we should indeed be selling our birthright for a mess of pottage. But in simply asserting our birthright more clearly, and adhering more closely to the purpose and spirit of the founders of the university, we should be sacrificing no principle, and should be gaining much for the men who make the university. We should be merely throwing aside fetters that impede us, avoiding misconstructions that pain us, and making clear to the world the real temper and spirit of the university.

It is only by making as generous provision for our faculty as other like institutions that we can expect to draw and hold the best men. The life and success of the university depends upon the men who constitute the teaching force. Their experience, ability and reputation constitute the best asset of the university. Only by securing and retaining men of the highest scholarship and teaching power can we carry out the noble purposes of the founders and make Brown an institution of first rank. If we cannot offer as ample rewards to teachers as other institutions, then we cannot compete successfully for teachers of highest ability, and we must lose our best men to institutions which

are free from denominational restrictions. The inevitable consequence must be that Brown will find it difficult, if not impossible, to hold the place it now holds among the colleges of the country.

We do not, however, for a moment contemplate that the severing of the rigid requirements which now bind us to four denominations and exclude all others would mean cutting loose from organized Christianity. We would have the university ever increasingly permeated by Christian forces and ideals. We are not content with mere professions of moral and religious aspiration. For us the true and sufficient religion is Christianity. In case the present charter is changed, we would suggest that the corporation adopt some clear declaration of its attitude toward the Christian faith held by all the founders, and its desire to cherish and promote that faith in all the life of the university. Furthermore, we would have the university ever cherish especially close and fraternal relations with the denomination which was chiefly responsible for its founding. By that denomination the seed was planted which has now become a mighty tree. Any failure to acknowledge our perpetual indebtedness to the heroic men who sacrificed and toiled for us in the day of small things would prove us lacking both in historic perspective and in moral sense. But the historic relation of Princeton to the Presbyterians is maintained without charter requirement. The relation of Yale and Amherst and Williams and Dartmouth to the Congregationalist body is one of tradition and sympathy, not one of rigid legal control. The relation of Vassar College and the University of Rochester to the Baptists is one of fraternal co-operation, apart from any charter restrictions as to any officer or teacher. Such would we have the relation of Brown to the communion which founded it—a relation of respect and honor and sympathy, all the deeper, we believe, when it is a matter of choice and not of legal requirement.

In the infancy of an institution, as in the infancy of a human being, it must be tied closely and by external bonds to its mother. It cannot

safely be allowed to assert any great degree of independence or trusted to guide itself. But as it grows, if it be worthy of its parents, it will develop a life of its own, will claim the right of self-control, self-guidance and self-defence. It then becomes the voluntary offering of its founders to the service of the Republic. The colleges of America which are under strict denominational control to-day are almost without exception the smaller and weaker colleges. They cannot yet be trusted to go alone. Their trustees are often elected by church assemblies, their faculty appointments supervised by ecclesiastical officials. But as these colleges expand in scope and influence, they can no longer be successfully conducted by churches or church representatives. They acquire an independent life. Grateful for past aid, cherishing the filial attitude, desiring close and perpetual co-operation with the churches, they must nevertheless be set free from denominational supervision, if they are to achieve true university standards and render university service.

For these five reasons we believe that the removal of denominational provisions from our charter is desirable :

1. In order to preserve the spirit and fulfill the real purpose of the founders.
2. In order to avoid the necessity of inquisition into the theological position and ecclesiastical relation of every candidate for the board of trustees.
3. In order to avoid all religious tests for members of the teaching staff.
4. In order to render eligible to the board of trustees the large section of the alumni which is now excluded.
5. In order to remove public misconstruction as to the truly "liberal and catholic" attitude of the university, and so secure for our faculty both the recognition to which they are entitled and the support for themselves in their old age, and for their families, which such recognition involves.

With her charter thus liberalized and freed from the erroneous impression that she is a sectarian institution, Brown will have a wider constituency and more loyal adherents. All denominations will then have a common interest in her welfare, and we may look for a wider sympathy and more generous support from the community which she serves. Brown is in full harmony with the progressive spirit of the twentieth century. With her charter freed from denominational restrictions this fact will be more widely appreciated. The change will give equal opportunity to all alumni to serve their Alma Mater. From this will flow a more devoted loyalty and a more generous service. With more liberal provision for the teaching staff the university will be a more attractive field for the highest scholarship and teaching ability. There will be less of worry and solicitude for the future and less necessity for expenditure of energy outside of university work. The knowledge that teachers at Brown are as well provided for as elsewhere will foster a spirit of contentment and create an atmosphere more conducive to delightful study and the highest efficiency.

While your committee have reached the conclusion that a change in the charter is desirable, they are not as yet prepared to recommend that action be taken to this end by the corporation. The members of your committee have formed their opinions on the general question of the desirability of change only after careful study and discussion of the problem. Some aspects of the case, such as the exact nature of the change, the method of procedure and the legal questions involved, require further consideration by the committee. Those upon whom the responsibility of making revision of our ancient charter must ultimately rest should also have opportunity for investigation and deliberate consideration of the problem before action is taken.

The change involves so many considerations of justice and courtesy, of moral and legal obligation, of regard for our Baptist constituency and for the general public as to demand to an unusual degree deliberation in procedure and careful consultation of all the interests, educa-

tional and religious, which are immediately or remotely involved. It is the part of wisdom that action shall be taken only after full discussion, and it is highly desirable that all interests work in harmony to the same end. Hasty and ill-considered action and disregard of the opinions and feelings of alumni and friends can only work disaster. The university was not founded yesterday and cannot be revolutionized to-morrow. It has been built up by a hundred and forty-five years of toil and sacrifice. Change should be made carefully, after sympathetic conference with those who represent the founders and all other interests. Any change should be preceded by a full presentation of the subject to those who form our constituency, that they may see the facts as your committee see them, and feel the force of the considerations which have brought us to our unanimous conviction.

For these reasons, and because we are not yet prepared to submit a plan of revision and procedure in detail, your committee present this preliminary report and request that the committee be continued with instruction to report at a later meeting.

Respectfully submitted,

EVERETT COLBY,
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Providence, June 17th 1909.



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